

PATENT

Attorney Docket No. A-59709-3/JAS
Client Ref. No. 2294.2

CERTIFICATE OF MAIL (37 CFR 1.8(b))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office to: Commissioner for Patents, Washington, DC 20231 on _____, 2002.

Signed: _____
Laura Hulac

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
MACLEOD et al.

Attorney Docket No. A-59709-3/JAS

Serial No. 09/631,438

Filed: August 2, 2000

For: METHOD TO REDUCE TORQUE
RELATED AUDIBLE NOISE FOR SPINDLE
MOTOR

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REQUEST TO WITHDRAW FINAL STATUS OF OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant by his attorney hereby requests that the final status of the Office Action of December 18, 2002 be withdrawn, so that the amendments to the claims in the response which accompanies this request be entered and considered by the Examiner.

In reviewing the present Office Action, it can be seen that claims 6, 7, 9 and 10 are rejected under 35 USC 102(e) as anticipated by Prochazka. The Examiner specifically at the top of page 4, first paragraph, relies on Prochazka to reject claim 9. However, claim 9 and the claim on which it depends, claim 8 were not amended in the previous response to office action dated July 12, 2002. Therefore, the Examiner contrary to the rules of the Patent Office, is relying on a new ground of

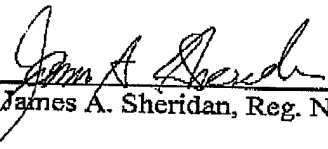
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rejection, but making it Final. Examiner cannot make a new rejection of claim 9 and still make the action final since claim 9 is neither a new claim nor is it an amended claim.

Therefore, the Examiner is respectfully requested to call the undersigned attorney and advise on the disposition of this request so that if it is not granted, an appropriate petition to rectify the error can be filed immediately.

Respectfully submitted,

By: 
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